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SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 389th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 12 May 1999, at 3 p.m.

Chairman: Mr. BURNS

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* The summary record of the second part (closed) of the meeting appears as document CAT/C/SR.389/Add.1.

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The meeting was called to order at 3.p.m.

STATEMENT BY THE UNITED NATIONS DEPUTY HIGH COMMISSIONER FOR HUMAN RIGHTS

1. Mr. RAMCHARAN (Deputy High Commissioner for Human Rights) conveyed to the Committee the best wishes of the High Commissioner for Human Rights, who was currently visiting the territory of the former Yugoslavia. She attached the highest importance to the work of the Committee and of all United Nations human rights treaty bodies and was endeavouring to integrate the human rights dimension into all the Organization's activities. She was also aware, however, that much remained to be done to ensure that the Committee had the kind of support it needed to realize its full potential. The United Nations as a whole was in a difficult financial situation. At a time when the demand for assistance in promoting human rights throughout the world was rapidly growing, the available resource base was dwindling.

2. The High Commissioner was keenly aware of the importance of translating the human rights precepts contained in instruments such as the Convention against Torture into practical action in States parties. The human rights treaties were the bedrock on which national systems for the protection and promotion of human rights were based. Their purpose was to ensure that constitutions and legislation were fashioned in their image, that the judiciary applied their provisions either directly or indirectly, that the executive introduced structures for the protection of human rights such as an ombudsperson or a human rights commissioner, that human rights were taught and disseminated and that vulnerable groups had access to machinery for the protection of human rights.

3. The process of codification of the basic rules of international law had begun at the first Hague Peace Conference in 1899. Subsequently the League of Nations and the International Labour Organization (ILO) had continued the process, drafting conventions, supervising their implementation and assisting States in incorporating them in their national infrastructure. The ILO Committee of Experts on the Application of Conventions and Recommendations had stated, in its fiftieth anniversary report, that the acid test of a country's good faith, regardless of its political or economic system and level of development, was whether it was giving effect to its obligations under international conventions. The monitoring functions performed by bodies such as the Committee against Torture and their careful scrutiny of individual petitions were thus of crucial importance.

4. The High Commissioner was endeavouring to generate additional resources for the human rights treaty bodies. Two parallel meetings were scheduled to be held on 31 May 1999, one for special rapporteurs and experts of the Commission on Human Rights, the other for chairpersons of treaty bodies. Papers concerning ways and means of increasing resources would be discussed at both meetings. In view of the difficulty of obtaining additional resources from the regular budget of the United Nations, it would be necessary to tap voluntary sources of assistance. The High Commissioner hoped to engage in a dialogue on the subject with the chairpersons and other experts.

5. The Committee's legal expertise, as reflected in its general comments, its monitoring activities and its fact-finding missions, made an important

contribution to the development of international human rights case law. A single case well argued could transform attitudes on a point of law or human rights. The Office of the High Commissioner would do its level best to ensure that the Committee received the support it needed to maintain the high quality of its work.

6. The CHAIRMAN said he was pleased to note that the Deputy High Commissioner had such a clear understanding of the vital role of the human rights treaty bodies in promoting a civilized normative system for the new millennium. The Committee was more than willing to extend any assistance it could to the Office of the High Commissioner in its enormously difficult fund-raising task.

The meeting was suspended at 3.20 p.m. and resumed at 3.30 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 19 OF THE CONVENTION (continued)

Third periodic report of Egypt (continued) (CAT/C/Add.11)

Conclusions and recommendations of the Committee

7. At the invitation of the Chairman, Mr. Khalil, Mr. Fahmy, Mr. El-Beltagy, Mr. Salama, Mr. Abdel-Hamid and Mr. Abdelmoneim (Egypt) took places at the Committee table.

8. The CHAIRMAN (Country Rapporteur) read out the following text containing the conclusions and recommendations adopted by the Committee concerning the third periodic report of Egypt:

"1. The Committee considered the third periodic report of Egypt (CAT/C/34/Add.11) at its 382nd, 385th and 389th meetings, held on 7, 10 and 12 May 1999 (CAT/C/SR.382, 385 and 389) and has adopted the following conclusions and recommendations.

A. Introduction

2. The Committee welcomes the third periodic report of Egypt, submitted some two and a half years late but which generally accords with the requirements of such a report. The Committee also welcomes the verbal introduction to the report by the Egyptian representatives.

B. Positive aspects

3. The release of large numbers of persons held under the Emergency Act, 1958.

4. The reduction in complaints of maltreatment by persons detained under the Emergency Act, 1958.

5. The broad literacy and educational programme undertaken by the Egyptian Government.

6. The creation of the Office of Human Rights in the Public Prosecutor's Department to investigate complaints of, inter alia, torture.

7. The Committee was pleased to learn of improvements in the quality of some Egyptian prisons.

8. The Committee was also pleased to learn that 'hundreds' of torture victims have been compensated by the Egyptian civil courts.

9. The Committee is encouraged by the extensive dialogue in which it engaged with the Egyptian delegation.

C. Factors and difficulties impeding the application of the provisions of the Convention

10. The ongoing state of emergency in response to the persistent terrorist threat. This seems to have created a culture of violence among certain elements of the police and security forces. Such a terrorist threat, of course, may not be invoked as justification for breaches of the provisions of the Convention, especially articles 1, 2 and 16.

D. Subjects of concern

11. The large number of allegations of torture and even of death relating to detainees made against both the police and the State Security Intelligence.

12. Despite the improvements made by the Government, the conditions in some prisons in Egypt.

13. The allegation from the World Organization against Torture of treatment of female detainees, by both the police and the State Security Intelligence, which sometimes involves sexual abuse or threat of such abuse in order to obtain information relating to husbands or other family members.

14. The Committee is seriously concerned at allegations that persons have been held in police or State Security Intelligence custody in defiance of court orders to release them.

E. Recommendations

15. The Committee recommends that Egypt take effective measures to prevent torture in police and State Security Intelligence custody and that all perpetrators be vigorously prosecuted.

16. It also recommends that effective steps be taken to protect women from threats of sexual abuse by police and officers of the State Security Intelligence as a means of obtaining information from them.

17. It further recommends that a proper registry of detainees, both police and State Security Intelligence, which is accessible to members of the public be established and maintained.

18. The Committee encourages the Egyptian Government to continue with its policy of upgrading its prison facilities.

19. The Government of Egypt should provide the Committee with information in writing concerning the number and circumstances of deaths in custody over the past five years.

20. The Committee urges Egypt to consider making a declaration in favour of articles 21 and 22 of the Convention."

9. Mr. KHALIL (Egypt) said that his delegation had benefited greatly from its dialogue with the Committee whose recommendations would be seriously studied by the competent authorities.

10. He was deeply concerned about the allegations concerning the treatment of female detainees, which would constitute a grave violation of the provisions of the Egyptian Constitution. He would welcome more specific information so that the allegations could be investigated.

11. He thanked the Committee for its recognition of the progress made since the last report and assured it that the Egyptian authorities would redouble their efforts to fulfil their obligations under the Convention during the period to be covered by the fourth periodic report.

12. The CHAIRMAN said that the Committee welcomed the assurances given and appreciated the spirit that had imbued its constructive dialogue with the delegation.

13. The delegation of Egypt withdrew.

The meeting was suspended at 3.40 p.m. and resumed at 4 p.m.

Second periodic report of Liechtenstein (continued) (CAT/C/29/Add.5)

Conclusions and recommendations of the Committee

14. At the invitation of the Chairman, Mr. Frick (Liechtenstein) took a place at the Committee table.

15. The CHAIRMAN (Country Rapporteur) read out the following text containing the conclusions and recommendations adopted by the Committee concerning the second periodic report of Liechtenstein:

"1. The Committee considered the second periodic report of Liechtenstein (CAT/C/29/Add.5) at its 384th, 387th and 389th meetings, held on 10, 11 and 12 May 1999 (CAT/C/SR.384, 387 and 389) and has adopted the following conclusions and recommendations.

A. Introduction

2. The Committee welcomes the submission of the report which, although two and one half years overdue, was prepared in accordance with the guidelines of the Committee. The Committee likewise welcomes the oral report of the representatives of the State party and the dialogue with them.

B. Positive aspects

3. There have been no reports of maltreatment of detainees during the period under review.

4. The legal provisions of the State party appear to generally conform to those required by the Convention.

5. The law and practice of Liechtenstein relating to asylum seekers appears to be in conformity with article 3 of the Convention.

C. Factors and difficulties impeding the application of the provisions of the Convention

6. The Committee is unaware of any factors or difficulties impeding the application of the provisions of the Convention.

D. Subjects of concern

7. The Committee raised no subjects of concern.

E. Recommendations

8. The Committee recommends that the State party continues to implement the terms of the Convention in the effective way in which it has done in the past.

9. It also recommends that the third periodic report be presented to the Committee in accordance with its due date."

16. Mr. FRICK (Liechtenstein) thanked the Committee for its consideration of his country's report. He would forward the Committee's conclusions and recommendations to his authorities and urge them to submit the next report on time.

17. The CHAIRMAN said that in his years on the Committee he had never seen a set of conclusions and recommendations as positive as those adopted for Liechtenstein's second periodic report. He expressed the congratulations of the Committee on a job well done.

The public part of the meeting rose at 4.05 p.m.